

REMARKS

Claims 1, 3-11 and 13 remain pending in the present application. Claims 1, 2, 12, 14 and 15 have been cancelled. Claims 3-11 and 13 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 12 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ohashi, et al. Claims 9, 13 and 15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohashi, et al. Independent Claim 9 has been amended to define a plurality of third tubes and a pair of header tanks communicating with the first, second and third tubes. Two separators divide the chamber formed by the headers into a first, second and third space. A hole connects the third space with the outside of the header tank and there is no fluid inlet or outlet associated with the third space.

The third space defined in Ohashi, et al. includes a fluid inlet and/or outlet because there is a circulating heat exchanging medium in the third tubes and associated chamber. During a conversation with the Examiner regarding this application, the Examiner indicated that the limitations that have now been added to Claim 9 would distinguish over the prior art.

Thus, Applicants believe Claim 9, as amended, patentably distinguishes over the art of record. Likewise, Claims 3-7 and 13 which now ultimately depend from Claim 9

are also believed to patentably distinguish over the art of record. Claims 1, 2, 12, 14 and 15 have been cancelled. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohashi, et al. in view of Ando, O'Connor, and Panthofer. Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teruhiko in view of Chartet and Young. Claims 6-8 have been amended to ultimately depend from Claim 9. As stated above, Claim 9 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 6-8 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 10 has been amended to include limitations similar to amended Claim 9 and therefore the above discussion of Claim 9 applies to Claim 10 also. Thus, Applicants believe Claim 10, as amended, patentably distinguishes over the art of record. Likewise Claim 11 which depends from Claim 10 is believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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